Application No. 09/998,855 Response Dated: July 26, 2004 Reply to Office Action Dated May 24, 2004

## <u>REMARKS</u>

Reconsideration of the present claims, in light of the attached claim clarifications and the Remarks, which follow, is respectfully requested.

Claims now before the Examiner are 1, 3, 5-7, and 19-22.

The numbering in this response will follow that of the Examiner's Action.

Concurrently with this Response, Applicants are also Petitioning what Applicants believe is a premature Final Rejection.

1. and 2. No response necessary.

### Section 112, ¶ 2 Rejections

3. Claims 1, 3, 507 and 19-22 stand rejected under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph as indefinite

In claims 19 and 20 the wording has been amended to address the Examiner's points.

In claims 1 and 6, the Examiner maintains that in the cited claim element "forms thermally reversible viscoelastic liquid like or solid like materials in organic liquids " "all the necessary conditions the composition and method of making the composition are required to have to meet two limitation do not appear even close to being recited in these claims." And "The sole working example in the specification only discloses a single metallocene and a single gelling agent, which is too sparse a showing in an inherently uncertain field like chemistry, let alone catalysis, to properly fully describe with sufficient specificity the invention as claimed."

Applicant does not agree. First, if there is evidence of an assertion that any of the terms or words used in the claims are not understood by the skilled person, it has not been put forward. Second, as far as Applicant is aware, there is no statutory requirement that there must be a linkage between the number and breadth of one's examples and the

2000U055.US.Amend.07.22.04

Application No. 09/998,855 Response Dated: July 26, 2004

Reply to Office Action Dated May 24, 2004

breadth of one's claims. Breadth of a claim and its' indefiniteness, are quire different matters. Indefiniteness does not seem to be the issue here, as the terms "polymerization catalyst" and "gelling agent" are either understood by the skilled person, or would be based on Applicant's disclosure. Breadth seems to be the issue, and a claim of undue breadth is subject to prior art.

Withdrawal of the Rejections is respectfully requested.

# Rejections Under 35 U.S.C. § 103

4. & 5. Claims 1, 3, 5-7 and 19-22 stand rejected as obvious under 35 U.S.C. § 103(a) over each of US 4,397,761 (McDaniel I) or US 5,075,394 (McDaniel II).

The claim element "aluminum ortho-phosphates" has been deleted from all claims.

Neither McDaniel I or McDaniel II discloses or suggests the remaining gelling agents.

Absent such suggestion or disclosure, the present claims are not rendered obvious by either McDaniel document. Accordingly, withdrawal of the Rejections is respectfully requested.

# 6. & 7. No response necessary.

All the Examiner's objections and rejections have been addressed.

The claims are in condition for allowance.

Application No. 09/998,855 Response Dated: July 26, 2004 Reply to Office Action Dated May 24, 2004

Note is made that the correspondence should be sent to

Douglas W. Miller
In representation of Univation Technologies, LLC
c/o Judith A. Kruger
5555 San Felipe, Suite 1950
Houston, Texas 77056
Facsimile: 713.892.3687

However the telephone number for Douglas W. Miller is (713) 780-7799.

Respectfully submitted,

Douglas W. Miller Agent for Applicants Registration No. 36,608

Southwest Patent Services 510 Bering Drive, Suite 300 Houston, Texas 77057 (713) 780-7799

#### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

July 26, 2004

Date

Douglas W. Miller Registration No. 36,608

2000U055.US.Amend.07.22.04